

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JOHN DOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	2:18-cv-02637-JPM/tmp
SHELBY COUNTY GOVERNMENT;	)	Jury Demanded
CHIEF KIRK FIELDS,	)	
Interim Director Shelby County Jail;	)	
UNKNOWN JAILER 1; and	)	
FLOYD BONNER, current Sheriff of	)	
Shelby County, as Successor to BILL	)	
OLDHAM, individually and in their	)	
official capacities,	)	
	)	
Defendants.	)	

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**COMBINED MOTION AND MEMORANDUM IN SUPPORT FOR STATUS  
CONFERENCE REGARDING TRIAL DATE**

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Defendant Shelby County moves the Court for a Status Conference in this case to address the current trial date and/or Shelby County's Motion for Leave to Take Evidentiary Deposition.

In support of its Motion, Shelby County states as follows:

1. Plaintiff brought this § 1983 lawsuit on September 6, 2018, against Shelby County, Chief Kirk Fields, current Sheriff Floyd Bonner, and former Sheriff Bill Oldham,<sup>1</sup> alleging that he was raped or sexually assaulted in the Shelby County Jail in 2018. (ECF 1-1).
2. The case is currently set for trial, and a Motion for Summary Judgment is pending.

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<sup>1</sup> Defendants Fields, Bonner, and Oldham are no longer defendants in either their individual or official capacities. (See ECF 15, PageID 65; ECF 22).

3. The Court recently held a status conference in this matter regarding the length of the trial. (ECF 64). During that conference, the Court reset the trial date to the week of April 6, 2020. (ECF 64, 65).

4. Shortly thereafter, undersigned counsel communicated with the Defendant's expert witness—Jeff Eiser (located in Cincinnati, Ohio)—regarding the new date. Mr. Eiser<sup>2</sup> advised that he is unavailable to testify the week of April 6, 2020.

5. Therefore, on February 12, 2020, Shelby County filed a Motion with the Court seeking leave to take the evidentiary deposition of Mr. Eiser for use in lieu of his live testimony at trial. (ECF 66). In the alternative, Shelby County requested a new trial date. *Id.*

6. Shelby County noted in its Motion that, before filing, undersigned counsel attempted to consult with Plaintiff's counsel regarding the requested relief, including advising Plaintiff's counsel of multiple dates when Mr. Eiser is available for an evidentiary deposition and asking if Plaintiff's counsel is available on any of those dates.

7. As of that filing and, since then, as of this filing, Plaintiff has not responded. Now, two of the four dates Shelby County proposed to Plaintiff are no longer feasible.

8. Moreover, Plaintiff did not file a Response to Shelby County's Motion and his time to do so expired on February 26, 2020.

9. Based on all of the above, and given that each passing day makes the likelihood of being able to schedule and take the above-requested evidentiary deposition more difficult, Shelby County requests a brief status conference with the Court.

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<sup>2</sup>Mr. Eiser is an expert in, among other areas, jail policies and procedures, and is essential to Shelby County's defense of this case, as well as necessary to rebut the testimony of Plaintiff's jail policies/procedures expert witness—Victor Lofgreen.

10. Shelby County attempted to consult with Plaintiff regarding this Motion and, as of this filing, Plaintiff has not responded.

WHEREFORE, Shelby County respectfully requests that the Court scheduled a Status Conference in this civil action.

Respectfully submitted,

/s/E. Lee Whitwell

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*Attorneys for Shelby County Government*

Certificate of Consultation

I certify that I emailed Plaintiff's counsel—Curtis Johnson—on Tuesday, March 3, 2020 regarding the relief sought in this Motion. As of this filing, Plaintiff's counsel has not responded.

Certificate of Service

I certify that the foregoing is being filed via the Court's ECF system this 4<sup>th</sup> day of March, 2020, for service on all persons registered in connection with this case, including:

Curtis D. Johnson  
1407 Union Avenue, Suite 1002  
Memphis, TN 38104

*Attorney for Plaintiff*

/s/E. Lee Whitwell